

SENATE BILL 451

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 10 and Title 11, relative to the creation of the
division of cultural and historical affairs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 21, is amended by
adding the following language as new, appropriately designated sections:

4-3-21__.

(a) There is created within the department of state the division of cultural
and historical affairs, which shall have the duties specified in this act.

(b) As used in this part:

(A) "Director" means the director of the division of cultural and
historical affairs; and

(B) "Division" means the division of cultural and historical affairs.

4-3-21__. The division has the primary responsibility for development of the
state's interest in the areas of the arts, history, and other cultural matters. In fulfilling this
responsibility, the division shall be advised and assisted by the Tennessee Historical
Society and its board of directors, and by arts council representatives throughout the
state.

4-3-21__. The division shall:

(1) Develop a comprehensive, coordinated, and efficient policy for
agencies within the division to preserve, research, interpret, and promote to the
public an awareness and understanding of local, state, and regional history, with
the assistance of the Tennessee wars commission and the Douglas Henry state
museum commission;

(2) Stimulate and encourage throughout the state the study and presentation of the performing, visual, literary and fine arts and public interest and participation in them, in conjunction with the authority granted to the Tennessee arts commission pursuant to § 4-20-104;

(3) Implement tourism-related art and history projects as directed by the general assembly; and

(4) Design a comprehensive, statewide, long-range plan with the assistance of arts council representatives throughout the state to develop the arts in Tennessee. The division is designated as the state agency for carrying out the plan.

4-3-21___. The division is authorized to:

(1) Establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the division's programs; and

(2) Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for citizens of all ages.

4-3-21___. The following cultural and historical agencies are attached to the division, which is authorized to administer all the administrative functions and duties of such agencies:

() Douglas Henry state museum commission, created by § 4-20-301;

() Historical commission, created by § 4-11-102;

() Tennessee arts commission, created by § 4-20-101;

() Tennessee commission on holocaust education, created by § 4-48-101; and

() Tennessee wars commission, created by § 4-11-301.

4-3-21___. The secretary of state shall appoint a director of the division, who shall have the authority to:

(1) Promulgate rules and regulations for all administrative functions and activities of the agencies attached to the division as well as all matters that affect more than one (1) of the agencies attached to the division with the approval of the agencies affected. In cases where multiple agencies are authorized to promulgate similar rules that apply to each of the agencies, the director is authorized to hold one (1) public rulemaking hearing and promulgate a single rule or a single chapter of rules, but only after receiving prior approval of the agencies affected;

(2) Maintain a central filing system for official records and documents of all agencies attached to the division; and

(3) Perform such other duties as the secretary may prescribe, or as may be prescribed by law.

4-3-21___. Any employment of personnel or consultants by the division shall be in accordance with the rules, regulations and standards of the departments of state and finance and administration.

4-3-21___. The director of the division or the director's duly authorized representative shall be an ex officio, nonvoting member of each agency attached to this division and shall be entitled to attend all meetings of such agencies.

4-3-21___. All agencies attached to the division shall advise the director of any meeting at which official action will be taken at least forty-eight (48) hours prior to the meeting unless the director expressly waives the requirement.

4-3-21___. The duties of the director shall include, but are not limited, to the following:

- (1) Organize the activities of the division;
- (2) Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies;
- (3) Control all property of the division;

(4) Direct and administer the programs and services of the division;

(5) Notwithstanding the provisions of § 4-20-105, accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department; and

(6) Perform other duties imposed by law.

SECTION 2. Tennessee Code Annotated, Section 11-1-101, is amended by deleting subsection (g) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 4-20-304, is amended by adding the following language as a new, appropriately designated subsection:

() The commission shall be administratively attached to the division of cultural and historical affairs as provided in this act.

SECTION 4. Tennessee Code Annotated, Title 4, Chapter 11, Part 1, is amended by adding the following language as a new, appropriately designated section:

4-11-1___. The commission shall be administratively attached to the division of cultural and historical affairs as provided in this act.

SECTION 5. Tennessee Code Annotated, Section 4-20-101, is amended by adding the following language as a new, appropriately designated subsection:

() The commission shall be administratively attached to the division of cultural and historical affairs as provided in this act.

SECTION 6. Tennessee Code Annotated, Section 4-11-301, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b) The commission shall be administratively attached to the division of cultural and historical affairs as provided in this act.

SECTION 7. Tennessee Code Annotated, Section 4-48-101, is amended by deleting the section in its entirety and by substituting instead the following new language:

4-48-101.

(a) The Tennessee commission on Holocaust education is created and established.

(b) The commission shall be administratively attached to the division of cultural and historical affairs as provided in this act.

SECTION 8. Tennessee Code Annotated, Section 10-1-101, is amended by deleting subdivision (2) in its entirety and by substituting instead the following new language:

(2) All historical and memorial commissions and associations created by act of the general assembly and expending public funds, for purposes of administration, except those commissions and associations that are administratively attached to the division of cultural and historical affairs in accordance with this act.

SECTION 9. This act shall take effect July 1, 2013, the public welfare requiring it.